

Edward Saenz, Jr.
461 5th Ave #20
San Diego, CA 92101

2008	
FILING FEE PAID	
Yes	No <input checked="" type="checkbox"/>
HPP MOTION FILED	
Yes	No <input checked="" type="checkbox"/>
COPIES SENT TO	
Court <input checked="" type="checkbox"/>	ProSe <input checked="" type="checkbox"/>

FILED
MAR 25 2008
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY <i>[Signature]</i> DEPUTY

IN THE SOUTHERN DISTRICT COURT FOR
THE STATE OF CALIFORNIA,
DIVISION ONE

In re EDWARD SAENZ, JR.

CASE No. CV '08 CV 0566 WQH RBB
Superior Court No. CD 173567
Habeas Corpus No. 19005

On Writ of Habeas Corpus

WRIT OF HABEAS FOR
PETITION FOR REVIEW (DE NOVO)

IN PROPRIA PERSONA /

Defendant now comes before the Court in the above-entitled matter for "review" [de novo] under clause for a Writ of Habeas Corpus and its declaration thereof, within the meaning of a "formal investigation into the facts related to his claims, allegations, and/or documentation of the findings with specificity of law or regulations, including the decision to grant or deny (considering single page, unresponsive decisions by appellate).

The defendant has been denied this "formal investigation" under the clauses of law throughout the judicial process before this higher Court, whom has the authority to grant cert. Whereas, he comes here today for consideration by submittal of DE NOVO and its declaration, thereby, asking the Court to do what is legal, moral, and right, opposed to the current situation at hand.

Thereby, request this Court to grant the petition for failure by lower Courts to follow the scope of the law on the merits presented beforehand, and in the furtherance of justice for the wrongs suffered by the indifference of the judicial system, thus allowing others the right passage of the Constitution and not him, creating a prejudicial mean. It is important to recognize that the defendant attempts to ascertain his claims pursuant to his petition in lieu of the Appellate inappropriate method, and once again, stands on the merits of claims submitted are valid and upheld by California Court(s). Thereby, leaving the defendant helpless and without cause.

Thus, granting the issuance of the defendant's "Writ" and ordering compliance with the sentencing Court to correct and provide an "amended" Abstract of Judgment (AoJ) would be a great advantage to all participants.

Also, the defendant moves that the Court will adequately and effectively provide a "review" and include the necessary motion and documentation from the defendant to move forward (if necessary). Otherwise the defendant is without remedy save by his "Writ".

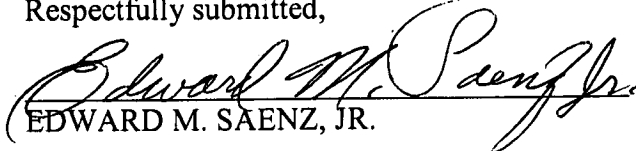
Further, the Court should not be judging by "external" standard, but rather "true" standard. This is clearly outlined within the previous motion. This is an injustice to the defendant and the citizen's of the United States.

No matter the outcome, HOFSEIER and most recently STOW (and many alike) whom had sex with a minor had be relieved of their registration requirement, thus affording the defendant and others the opportunity of the same. However, the defendant is placed in "another" category and denied his Constitutional right. This is a requirement nor a privilege and should be removed accordingly promptly.

This declaration is submitted in conjunction with previous motion and documentation to provide a sound judgment of granting a cert for the Court. This should not be a "battle of the wills", but what is Constitutional and right among the laws, not just adherence to such as at pertains. I continually fight an upheaval battle with the judicial system while being on parole and keeping within the compounds of conditions of parole and yet get penalized for doing such.

I Edward Saenz, Jr., declare under the penalty of perjury the foregoing is true and correct, and this declaration was executed n this 18 day of March, 2008, in San Diego, California.

Respectfully submitted,


EDWARD M. SAENZ, JR.

MARY JAMESON
AUTOMATIC APPEALS SUPERVISOR

JORGE NAVARRETE
SUPERVISING DEPUTY CLERK

SAN FRANCISCO

NATALIE ROBINSON
SUPERVISING DEPUTY CLERK

LOS ANGELES



Supreme Court of California

FREDERICK K. OHLRICH
COURT ADMINISTRATOR AND
CLERK OF THE SUPREME COURT

☐ SAN FRANCISCO 94102
EARL WARREN BUILDING
350 McALLISTER STREET
(415) 865-7000

☐ LOS ANGELES 90013
RONALD REAGAN BUILDING
300 SOUTH SPRING STREET
(213) 830-7570

March 3, 2008

Edward M. Saenz, Jr.,
461 5th Avenue, #20
San Diego, CA., 92101

Re: **S161199-D051810 In re edward M. Saenz on habeas corpus on review**

Dear Mr. Saenz:

The court has considered your application for relief from default and petition for review. Your application for relief from default has been denied. (Cal. Rules of Court, rule 8.60(e).)

The court has directed that the petition for review be returned to you. We are returning herewith the original of the petition for review and copies of your petition.

Very truly yours,

FREDERICK K. OHLRICH
Court Administrator and
Clerk of the Supreme Court

A handwritten signature in black ink, appearing to be "T. Wright", is written over the printed name and title of the Court Administrator and Clerk of the Supreme Court.

By: T. Wright, Deputy Clerk

Enclosure

cc: Office of the District Attorney
Office of the Attorney General

Edward M. Saenz, Jr.
461 5th Ave,
#20
San Diego, CA 92101

IN THE CALIFORNIA SUPREME

In re EDWARD M. SAENZ, Jr.

Superior Court Case No. CD 173 567

Habeas Corpus No. 19005

Supreme Court No. D051910

On Writ of Habeas Corpus

WRIT OF HABEAS CORPUS ON AN

APPLICATION FOR RELIEF FROM DEFAULT

IN PROPRIA PERSONA /

I. INTRODUCTION

I, the defendant now comes before the Court in the above-entitled matter for "review" Application Relief from Default" of my Writ of Habeas Corpus, upon the request of the Court letter of February 14, 2008, thus declaring that I have been unable to make certain deadlines as indicated due to being part of a "Relapse Prevention", including other participations.

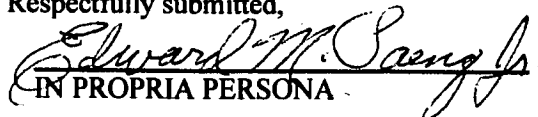
Therefore, I ask this Court to understand the difficulties in preparing such documents during inappropriate periods. I have done the best with the knowledge and access available related to my claim and documentation of the findings within the specificity of law or regulations, including making every attempt possible to follow all guidelines.

Furthermore, with the being the final step within the California Courts, please give me the opportunity to have my claim heard before this Court and for consideration by submittal of this application for relief from default. Thereby, requests the Court to grant my petition in the furtherance of justice and it's deliberate indifference of the judicial system and the prejudicial means thereof.

Therefore, it is important to recognize I have made attempts to ascertain my claims pursuant my petition in lieu of the Supreme Court granting cert., and the merits of his claims are valid.

This declaration is prepared and declared under the penalty of perjury that the foregoing is true and correct, and this declaration was executed on this 22 day of February, 2008, at San Diego, California.

Respectfully submitted,


IN PROPRIA PERSONA


RECEIVED

FEB 26 2008

CLERK SUPREME COURT

S161199

IN THE CALIFORNIA SUPREME COURT

IN E EDWARD M. SAENZ

D051810

On

HABEAS CORPUS

Petition for Review

Edward Saenz, Jr.,
461 5th Avenue, #20
San Diego, CA., 92101

Edward Saenz, Jr.
461 5th Ave #20
San Diego, CA 92101

IN THE CALIFORNIA SUPREME

In re EDWARD SAENZ, JR

Superior Court No. CD 173567

On Writ of Habeas Corpus

Habeas Corpus No. 19005

IN PROPRIA PERSONA /

WRIT OF HABEAS FOR
PETITON FOR REVEIEW (DE NOVO)

Defendant now comes before the Court in the above-entitled matter for "review" [de novo] under clause for a Writ of Habeas Corpus and it's declaration thereof, within the meaning of a "formal investigation into the facts related to his claims, allegations, and/or documentation of the findings with specificity of law or regulations, including the decision to grant or deny (considering single page, unresponsive decisions by appellate).

The defendant has been denied this "formal investigation" under the clauses of law throughout the judicial process before this higher Court, whom has the authority to grant cert. Whereas, he comes here today for consideration by submittal of DE NOVO and its declaration.

Thereby, request this Court to grant the petition for failure by lower Courts to follow the scope of the law on the merits presented beforehand, and in the furtherance of justice for the wrongs suffered by the indifference of the judicial system, thus allowing others the right passage of the Constitution and not him, creating a prejudicial mean. It is important to recognize that the defendant attempts to ascertain his claims pursuant to his petition in lieu of the Appellate inappropriate method, and once again, stands on the merits of claims submitted are valid and upheld by California Court(s). Thereby, leaving the defendant helpless and without cause.

~~Thus, granting the issuance of the defendant's "Writ" and ordering compliance~~
with the sentencing Court to correct and provide an "amended" Abstract of Judgment (AoJ) would be a great advantage to all participants.

Also, the defendant moves that the Court will adequately and effectively provide a "review" and include the necessary motion and documentation ~~for~~ the defendant to move forward (if necessary). Otherwise the defendant is without remedy save by his "Writ".

Further, the Court should not be judging by "external" standard, but rather "true" standard. This is clearly outlined within the previous motion. This is an injustice to the defendant and the citizen's of the United States.

RECEIVED

FEB 14 2008

CLERK SUPREME COURT

No matter the outcome, HOFSEIER and most recently STOW (and many alike) whom had sex with a minor had be relieved of their registration requirement, thus affording the defendant and others the opportunity of the same. However, the defendant is placed in "another" category and denied his Constitutional right.

This declaration is submitted in conjunction with previous motion and documentation to provide a sound judgment of granting a cert for the Court.

I Edward Saenz, Jr., declare under the penalty of perjury the foregoing is true and correct, and this declaration was executed on this 8TH day of FEBUARY, 2008, in San Diego, California.

Respectfully submitted,

Edward M. Saenz Jr.
EDWARD M. SAENZ, JR.

COURT OF APPEAL - FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

FILED
Stephen M. Kelly, Clerk

JAN 31 2008

In re EDWARD M SAENZ

D051810

Court of Appeal, Fourth District

on

(San Diego County
Super. Ct. No. SCD 173567)

Habeas Corpus.


THE COURT:

The petition for writ of habeas corpus has been read and considered by Justices Benke, Nares and Aaron.

Petitioner pleaded guilty to one count of violating Penal Code section 288, subdivision (a). The factual basis for his plea was he "committed a lewd and lascivious act on the body part of [a] child under the age of 14 years old with the intent [of] arousing and gratifying my sexual desires." Petitioner was sentenced to prison for three years and ordered to register as a sex offender pursuant to Penal Code section 290.

In the instant petition, petitioner presents no specific legal claim for relief, facts, or documentary support. The petition is therefore denied for failing to state a prima facie case for relief. (*People v. Duvall* (1995) 9 Cal.4th 464, 474-475.)

The petition is denied.


NARES, Acting P. J.

Copies to: All parties

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, nor are they required by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of indexing the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Edward Saenz, Jr.

Unknown

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

2254 1983

FILING FEE PAID
Yes ☒ No ☒

HTP MOTION FILED
Yes ☒ No ☒

COPIES SENT TO
Court ☒ Press ☒

FILED
MAR 25 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Edward Saenz, Jr.
461 5th Avenue
#20
San Diego, CA 92101

ATTORNEYS (IF KNOWN)

'08 CV 0566 WQH RBB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395R) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(e)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 3/25/2008

SIGNATURE OF ATTORNEY OF RECORD

Rmuller